

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARVIN KURT NATION, #141 669

*

Plaintiff,

*

v.

*

2:06-CV-693-ID
(WO)

WILLIE AMBERS, *et al.*,

*

Defendants.

*

RECOMMENDATION OF THE MAGISTRATE JUDGE

On September 18, 2006 Plaintiff filed a *Motion to Dismiss* Defendant Nagle from this cause of action. (Doc. No. 10.) Upon review of the motion, the court concludes that it should be granted.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. Plaintiff's September 18, 2006 Motion to Dismiss Defendant John Nagle (Doc. No. 10), be GRANTED;

2. Defendant Nagle be DISMISSED without prejudice as a party to this complaint;
and

3. This case, with respect to the remaining defendants, be referred back to the undersigned for additional proceedings.

It is further

ORDERED that the parties are DIRECTED to file any objections to the

Recommendation on or before October 9, 2006. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981

Done, this 26th day of September 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE